

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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January 22, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of PECO Energy Company Under 15 Pa. C.S. § 1511(c) For A Finding And Determination That The Service To Be Furnished By The Applicant Through Its Proposed Exercise Of The Power Of Eminent Domain To Acquire A Certain Portion Of The Land Of Samuel W. Taylor and Kay L. Taylor in Lower Chanceford Township, York County, Pennsylvania For The Siting And Construction Of Connecting Transmission Lines Associated With the Independence Energy Connection-East Project Is Necessary or Proper For The Service, Accommodation, Convenience Or Safety Of The Public
Docket No. A-2020-3023335

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Prehearing Memorandum in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Phillip D. Demanchick
Phillip D. Demanchick
Assistant Consumer Advocate
PA Attorney I.D. # 324761
E-Mail: PDemanchick@paoca.org

Enclosures:

cc: The Honorable Mark A. Hoyer (**email only**)
The Honorable Emily I. DeVoe (**email only**)
Certificate of Service

*302859

CERTIFICATE OF SERVICE

Re: Application of PECO Energy Company Under 15 :
Pa. C.S. § 1511(c) For A Finding And :
Determination That The Service To Be Furnished :
By The Applicant Through Its Proposed Exercise :
Of The Power Of Eminent Domain To Acquire A :
Certain Portion Of The Land Of Samuel W. Taylor :
and Kay L. Taylor in Lower Chanceford : Docket No. A-2020-3023335
Township, York County, Pennsylvania For The :
Siting And Construction Of Connecting :
Transmission Lines Associated With the :
Independence Energy Connection-East Project Is :
Necessary or Proper For The Service, :
Accommodation, Convenience Or Safety Of The :
Public :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Prehearing Memorandum, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 22nd day of January 2021.

SERVICE BY E-MAIL ONLY

Jennedy S. Johnson, Esquire
Anthony E. Gay, Esquire
Jack R. Garfinkle, Esquire
PECO Energy Company
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Kenneth M. Kulak, Esquire
Brooke E McGlenn, Esquire
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SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

(Please note we are only using e-service at this time due to the COVID-19 emergency. Hard copies can be provided later upon request when normal operations resume)

Samuel W. and Kay L. Taylor
118 Goram Road
Brogue, PA 17309

/s/ Phillip D. Demanchick

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Dated: January 22, 2021
*302862

Darryl A. Lawrence
Senior Assistant Consumer Advocate
PA Attorney I.D. # 93682
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of PECO Energy Company : A-2020-3023332
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of William S. :
Harbold And Sandra A. Harbold In :
Lower Chanceford Township, York :
County, Pennsylvania For The Siting :
And Construction Of Connecting Transmission :
Lines Associated With The Independence :
Energy Connection-East Project Is :
Necessary Or Proper For The Service, :
Accommodation, Convenience Or Safety :
Of The Public :

Application of PECO Energy Company : A-2020-3023335
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of Samuel W. Taylor :
And Kay L. Taylor In Lower Chanceford :
Township, York County, Pennsylvania :
For The Siting And Construction Of :
Connecting Transmission Lines :
Associated With The Independence :
Energy Connection-East Project Is :
Necessary Or Proper For The Service, :
Accommodation, Convenience Or Safety :
Of The Public :

Application of PECO Energy Company : A-2020-3023337
Under 15 Pa.C.S. § 1511(c) For A Finding :
And Determination That The Service To :
Be Furnished By The Applicant Through :
Its Proposed Exercise Of The Power Of :
Eminent Domain To Acquire A Certain :
Portion Of The Land Of Clarence A. Pyle :
In Lower Chanceford Township, York :
County, Pennsylvania For The Siting And :

Construction Of Connecting Transmission :
Lines Associated With The Independence :
Energy Connection-East Project Is Necessary :
Or Proper For The Service, Accommodation, :
Convenience Or Safety Of The Public :

PREHEARING MEMORANDUM
OF THE
OFFICE OF CONSUMER ADVOCATE

Pursuant to the Prehearing Conference Order issued by Deputy Chief Administrative Law Judge Mark A. Hoyer and Administrative Law Judge Emily I. DeVoe (ALJs) and Section 333 of the Public Utility Code, 66 Pa. C.S. Section 333, the Office of Consumer Advocate (OCA) provides the following:

I. INTRODUCTION

On December 16, 2020, PECO Energy Company (PECO or Company) filed a Letter of Notification seeking approval to site and construct two new 500 kilovolt (kV) transmission lines approximately 0.5 miles in length in Lower Chanceford Township, York County, Pennsylvania (the Project). The new transmission lines will tap PECO's existing Peach Bottom-TMI 500 kV Transmission line in order to connect it to the proposed 500 kV/230 kV Furnace Run Substation. In addition to the Letter of Notification, the Company has filed several Eminent Domain Applications seeking approval from the Commission to exercise eminent domain to construct the Project.

The Furnace Run Substation is currently the subject of adversarial proceedings before this Commission at Docket No. A-2017-2640195, *et al.* At Docket Nos. A-2017-2640195, *et al.* Transource Pennsylvania LLC (Transource) is seeking approval from the Commission to construct and operate its facilities associated with the proposed Independence Energy Connection Project

(IEC Project). Before the Commission's consideration in those proceedings is, *inter alia*, whether the IEC Project is needed pursuant to Section 57.76 of the Commission's Regulations. 52 Pa. Code § 57.76(a). The OCA is currently participating in those proceedings and has opposed construction of the IEC Project.

Thus, as PECO indicates, approval of this Project is, in part, dependent upon the outcome at Docket Nos. A-2017-2640195, *et al.* See PECO Prehearing Memorandum at 4. The OCA notes that on December 23, 2020, the Office of Administrative Law Judge issued the Recommended Decision of Administrative Law Judge Elizabeth H. Barnes finding that the IEC Project does not meet the need requirement under the Commission's regulations. The parties await a Commission decision in that proceeding.

On December 29, 2020, the OCA filed a Notice of Intervention at Docket No. A-2020-3023303, where PECO's Letter of Notification is docketed. The OCA later filed Notices of Intervention and Public Statements at Docket Nos. A-2020-3023332, A-2020-3023335, A-2020-3023337, where PECO's Eminent Domain Applications are docketed, on January 21, 2021. The OCA intervenes in these proceedings to ensure that its interest regarding the IEC Project is protected, that the Commission does not approve this Project if the IEC Project is denied, and that PECO's filing meets all legal requirements of the Public Utility Code, applicable Commission rules and regulations, and Pennsylvania law. The OCA also seeks to ensure that the interest of Pennsylvania ratepayers are protected in this proceeding.

II. CONSOLIDATION

The OCA does not oppose consolidation of the proceedings, as proposed by PECO.

III. ISSUES AND SUB-ISSUES

As indicated by PECO, it will be filing a motion to stay the proceedings pending the resolution of the proceedings at Docket No. A-2017-2640195, *et al.* For that reason, the OCA has not yet identified any issues that it may have with the Company's filing.

If the Commission renders a final decision that would require PECO to move forward with the Project, the OCA will more fully evaluate the filing and develop a preliminary list of issues that it will investigate.

IV. WITNESSES

At this time, and for the reasons stated above, the OCA has not yet identified a witness in this matter or if it will put testimony into the evidentiary record.

V. DISCOVERY

The OCA does not propose any discovery modifications at this time. The OCA may request discovery modifications in the future, if necessary. If so, the OCA will work with the other parties to reach a mutually acceptable agreement, as well as seek approval from the Presiding Officers.

The OCA does not oppose the Protective Order proposed by PECO, provided that the Company adds the following to the end of Paragraph 10:

...provided, however, that counsel for the Office of Consumer Advocate may share Proprietary Information with the Consumer Advocate without obtaining a Non-Disclosure Certificate from these individuals, provided, however, that these individuals otherwise abide by the terms of the Protective Order.

VI. SERVICE ON THE OCA

The OCA will be represented in this proceeding by Senior Assistant Consumer Advocate Darryl A. Lawrence and Assistant Consumer Advocates David T. Evrard and Phillip D.

Demanchick. As a result of the ongoing emergency period, the OCA only requires e-service at the following e-mail addresses:

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Darryl A. Lawrence
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The OCA may request hard copies once normal operations resume. Additionally, Phillip Demanchick will be the speaking attorney for the Prehearing Conference.

VII. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully submits this Prehearing Memorandum.

Respectfully submitted,

/s/ Phillip D. Demanchick

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Counsel for:
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Acting Consumer Advocate

Dated: January 22, 2021
302785